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Specific Duties – Policy review
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Date: 18th. April 2011

Dear Harshbir,

PSED – Policy Review

Thank you for the opportunity to comment on proposed changes to the Public Sector Equalities Duty (PSED). These seem to be significant proposals with the potential to impact on how public authorities are able to deliver equalities outcomes.

It may be worth the Government reflecting briefly on the history of Equalities legislation which has led to the development of the PSED. The first specific duties were introduced as secondary legislation to accompany the Race Relations (amendment) Act 2000. It was considered at this time that authorities were failing to meet their general duties to promote equality, eliminate discrimination and promote positive relations. With the introduction of subsequent legislation the duties have been developed, refined and their scope broadened. I would suggest that the general duties, as expressed in their current form, are generally being fulfilled by authorities because they are required to meet specific duties.

The stated intention to reduce burdens and bureaucracy will be welcomed but it may be worthwhile to reflect whether there is any tension between this and the intention to deliver “real transparency and democratic accountability”. We also anticipate questions interrogating the processes by which equalities objectives are determined and therefore a need to retain robust information. It seems reasonable under these circumstances to publish such information. This will also avoid a possible misconception that not having a requirement to publish does not imply not having a duty to have the information to hand. There is a further potential inconsistency in removing duties to publish the categories of information referred to and the requirement which remains to publish information to demonstrate compliance with the General Equality Duty.

We are referred to the Equalities and Human Rights Commission's (EHRC) guidance. Clearly this will also stand in need of revision should these proposals carry the day. Sections on information and what should be published will need to be reconsidered. More importantly it might be important to develop further guidance on Equality Objectives which has been rendered somewhat nebulous by these proposals.

We are grateful that the Government remains committed to a set of specific duties which support the delivery of equal opportunity for all. I hope this comments are helpful

Yours sincerely

John Ward

Corporate Equalities and Cohesion Manager

Second page of letter.

Yours sincerely

Jeremy Ranger-Green
IT Training Officer